

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Edinger et al.
SERIAL NUMBER: 09/997,425 EXAMINER: Daniel M. Sullivan
FILING DATE: November 29, 2001 ART UNIT: 1636
FOR: Novel Polypeptides and Nucleic Acids Encoding Same

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FEBRUARY 13, 2004 OFFICE ACTION

In response to the Restriction Requirement mailed February 13, 2004, Applicants elect with traverse the invention of Group II (claims 5-14, 39 and 42), drawn to isolated nucleic acid molecules, and further elect SEQ ID NO: 51, the nucleic acid sequence encoding the novel endozepine-related polypeptide of SEQ ID NO: 52.

The grounds for traversal are that it is not an undue burden for the Examiner to examine all the groups together. Applicants have elected the single nucleic acid species of SEQ ID NO: 51. However, as shown in Table A on page 6 of the specification, SEQ ID NOs: 21-56 all encode variants of the NOV2 gene. A ClustalW alignment of the NOV2 variants is shown in Table 30 on pages 28-31 of the specification. Because SEQ ID NOs: 21-56 are all part of the same gene, a search of one will identify any other of these variants, using standard searching techniques. Therefore, Applicants request that all SEQ ID NOs: 21-56 be elected. In the alternative, Applicants request that election of SEQ ID NO: 51 be considered a species election, and the remaining SEQ ID NOs of the NOV2 gene be re-entered into the genus once the elected sequence is deemed allowable.

In addition, since the nucleic acid sequence of SEQ ID NO: 51 is being searched, the polypeptide sequence derived from this nucleic acid sequence would be identified using standard searching methodologies (e.g., the BLASTX program available from the National Center for Biotechnology Information). Therefore, Group I could also be searched without undue burden on the Examiner. Similarly, the subject matter of Group III, antibodies binding immunospecifically to the polypeptides identified from the nucleic acid sequence of SEQ ID NO: 51, is not

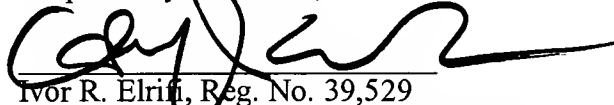
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independent as defined in MPEP 802.01. "The term 'independent' (i.e., not dependent) means that there is no disclosed relationship between the two or more subjects disclosed." MPEP 802.01. Applicants assert that they have disclosed the relationship between the claims of groups I and III, namely, the relationship of antibodies binding immunospecifically to novel endozepine-related polypeptides. Moreover, the claims of the remaining groups (Groups IV to X) are methods claims. Since a search of the elected nucleic acid of SEQ ID NO: 51, the polypeptide encoded thereby, or the antibody binding immunospecifically to the encoded polypeptide would be required to examine these method claims, Applicant asserts that the burden of searching these additional groups would not be undue. Thus, Applicants request that the Examiner rejoin Groups I-X prior to examination of the present application.

A petition for a four-month extension of time and required fee are filed herewith. With this extension of time, a response is due on July 13, 2004. The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 21402-175CIP (Cura-475CIP).

July 13, 2004

Respectfully submitted,



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